REMARKS

In the Office Action dated October 16, 2007, claims 1, 3, 8, 33, 35, and 37 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,697,055 (Gilhousen); claims 4, 7, 9, 12-15, 36, and 38 were rejected under 35 U.S.C. § 103(a) as unpatentable over Gilhousen in view of U.S. Patent Application Publication No. 2006/0148511 (Bender); claims 30-32 were rejected under 35 U.S.C. § 103(a) as unpatentable over Gilhousen and Bender in view of Dolan; and claims 16-18, 20-23, and 24-29 were rejected "using the same rationale" as for "claims 1-15."

Independent claim 1 was rejected as being anticipated by Gilhousen. Applicant respectfully disagrees.

Claim 1 recites that in response to determining that handoff is required from a first base station (associated with a first type of wireless system) to a second base station (associated with a second, different type of wireless system), a message is sent from the first base station to the second base station over an interface between the first base station and second base station, where the message indicates to the second base station that handoff is required.

With respect to the "sending a message" clause of claim 1, the Office Action cited column 7, lines 15-28, of Gilhousen. This passage describes the system depicted in Fig. 1 of Gilhousen, which depicts just a single type of wireless system. Elsewhere, Gilhousen notes that its purported invention "could be used to handoff mobile stations between two systems employing different air interfaces." Gilhousen, 8:32-33. Note, however, that such an arrangement with multiple systems is depicted in Fig. 2, 3 or 4, not in Fig. 1, of Gilhousen. In fact, Gilhousen in columns 8, 9, 10, and 11 describes the handoff procedures that could be performed in the multi-system arrangement that includes two systems employing different air interfaces. In each of these procedures, control messages are exchanged between MSCI (a first MSC) and MSCII (a second MSC) for the two respective systems. A basic procedure is identified in column 9, at lines 19-38, of Gilhousen. Variations of this basic procedure are identified as methods 1-5 in columns 9-12 of Gilhousen. In each of these procedures, to perform a handoff, the MSCI and the MSCII must exchange messaging to perform allocation of channel resources and to perform other setup tasks. In none of these procedures that involve multiple systems with associated MSCs (MSCI and MSCII) is there any communication of a message

from one base station (associated with a first type of wireless system) to a second base station (associated with a second, different type of wireless system), over an interface between the first and second base stations where the message indicates to the second base station that handoff is required. In each of these procedures, the MSCI and MSCII must be involved in exchanging messaging for performing the handoff.

Returning to the passage in column 7, at lines 15-28, cited by the Office Action, this procedure involves a handoff in a single system, and therefore, is inapplicable to the present invention. In any event, even if the cited column 7 passage were considered to be relevant, it is noted that base station 16 transmits a handoff request to system controller 10, which then relays the request to neighboring base stations. Thus, even this passage teaches that the system controller 10 (MSC) must be involved in performing a handoff, and therefore, does not provide any hint of one base station sending a message to another base station over an interface between the first and second base stations to indicate to the second base station that handoff is required.

In view of the foregoing, it is clear that claim 1 is not anticipated by Gilhousen.

Independent claim 16 was rejected "using the same rationale" as claim 1. Claim 16 recites a first base station system that has a controller to exchange messaging with a second base station system through an interface to perform a handoff of the packet-switched communication session from the first base station system to the second base station system (where the first and second base station systems perform wireless communications according to different protocols).

As discussed above, handoffs in Gilhousen involve MSCI and MSCII exchanging messaging with each other – therefore, there is absolutely no teaching in Gilhousen of a first base station system exchanging messaging with a second base station system through the interface between the first and second base station systems to perform a handoff of the packet-switched communication session. Therefore, claim 16 is not anticipated by Gilhousen.

Independent claim 24 was also rejected "using the same rationale" as claim 1. Claim 24 recites a first base station system exchanging messaging with the second base station system through a link between the first and second base station systems to perform the handoff (where the first and second base station systems perform wireless communications with a mobile station according to different protocols). Therefore, claim 24 is also not anticipated by Gilhousen.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of the independent claims over Gilhousen, it is respectfully submitted that the obviousness rejections of dependent claims over Gilhousen and other references have also been overcome.

Dependent claim 30, which depends from claim 1, further recites that sending the message comprises sending the message over a link that directly connects the first base station and second base station. As conceded by the Office Action, Gilhousen or Bender fails to disclose such a link between the first and second base stations. However, the Office Action cited Dolan as disclosing a link between first and second base stations. Specifically, the Office Action cited Fig. 2 and "a signaling and user traffic link 233" of Dolan. 10/16/2007 Office Action at 6.

The Office Action stated that the "motivation for combining the teachings is that it enables communication of coded voice between an local BS and a remote SDU (Dolan, paragraph 25)." *Id.* Enabling communication of coded voice between a local BS and a remote SDU has absolutely nothing to do with the claimed subject matter, which relates to sending a message from one base station to a second base station to indicate to the second base station that handoff is required, in the context of the first and second base stations being associated with different types of wireless systems.

Moreover, although Dolan refers to two protocols, these two protocols refer to a first protocol to communicate between an SDU and an interconnection processor of a base station, and a second protocol to communicate between the SDU and a call controller of a base station. These two protocols have nothing to do with base stations associated with different types of wireless systems that are able to communicate with a mobile station. Dolan proposes the use of first and second packet interconnection protocols, where a first packet interconnection protocol "establishes an interface between a selection distribution unit (SDU) for performing frame selection and voice transcoding, and a base station interconnection processor for transmitting control information, signaling and user traffic to mobile stations." Dolan, ¶ [0010]. This is illustrated in Fig. 2 of Dolan, where a link 231 between the SDU 224 in the source base station 220 and the call controller 242 in the target base station 240 uses the second protocol, while the link 233 between the SDU 224 in the source base station and the interconnection processor 244 in the target base station uses the first protocol. *Id.*, ¶¶ [0022], [0025]. As noted by Dolan, the

use of an SDU and the first and second packet interconnection protocols enhances flexibility. *Id.*, ¶ [0034]. Thus, the two protocols referred to in Dolan refers to protocols to communicate between an SDU and an interconnection processor of a base station, and a second protocol to communicate between the SDU and a call controller of a base station.

Not only does Dolan teach subject matter that is unrelated to the claimed subject matter, it is noted that the teachings of Dolan are inconsistent with the teachings of Gilhousen. In Gilhousen, note that handoffs in a multi-system environment require two MSCs to be involved, where MSCI and MSCII must exchange messages with each other to allow the handoff to occur. Such teachings of Gilhousen would lead a person of ordinary skill in the art away from use of a direct link. Therefore, it is respectfully submitted that a person of ordinary skill in the art would not have been prompted to combine the teachings of Gilhousen and Dolan, since Gilhousen would have led this person of ordinary skill in the art away from such combination.

In view of the foregoing, it is respectfully submitted that there existed no reason that would have prompted a person of ordinary skill in the art to combine the teachings of Gilhousen, Bender, and Dolan. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 30. *See KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

Claims 31 and 32 are allowable over Gilhousen, Bender, and Dolan for similar reasons as claim 30.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0103US).

Respectfully submitted,

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